

## **REMARKS**

Applicants respectfully request reconsideration of this application as amended. Claim 15 has been amended. Claims 1-14 and 28-29 have been cancelled without prejudice. Claims 30-41 have been added. Therefore, claims 15-27 and 30-41 are presented for examination.

### **Specification Objections**

The Specification is objected to because it contains an embedded hyperlink and/or other form of browser-executable code; page 11, paragraph [0031].

Paragraph 0031 of the Specification has been amended. Applicants respectfully request the withdrawal of the objection.

### **35 U.S.C. § 101 Rejection**

Claims 1-29 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Claim 15 has been amended. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 15 and its dependent claims.

Claims 1-14 and 28-29 have been cancelled without prejudice.

### **35 U.S.C. § 112 Rejection**

Claims 1-29 are rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements.

Claim 15 has been amended. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 15 and its dependent claims.

Claims 1-14 and 28-29 have been cancelled without prejudice

### 35 U.S.C. § 102 Rejection

Claims 1-3, 6-10, 14-17, 20-24 and 28-29 are rejected under 35 U.S.C. § 102(e) as being anticipated over Cundiff, JR., et al., U.S. Patent Publication No. 2004/0230973 (“Cundiff”).

Claim 15, as amended, recites

A multi-service monitoring system comprising:

computer server systems having a cluster of application servers communicatively coupled on a computer network to serve applications over the computer network to a plurality of computer client systems, each of the application servers comprising a plurality of server nodes, wherein a computer server system having a processor and a storage medium coupled with the processor, the computer system including an application server having[[:]]:

an administration service to generate a plurality of runtime management beans ("MBeans") on each of the server nodes and to associate each of the runtime MBeans with specified server node resources, each of the runtime MBeans collecting and reporting monitoring data for its associated resource of resources via an MBean server; and

a monitor service in communication with the administration service, the monitor service to generate monitor MBeans corresponding to selected runtime MBeans, wherein each of the monitor MBeans corresponds to at least one of the runtime MBeans, wherein each of the MBean having a resource identifier to identify its corresponding runtime MBean and an associated resource being monitored by the runtime MBean, the monitor MBeans arranged in a hierarchical tree structure, each of the monitor MBeans to receive the monitoring data from its corresponding runtime MBean.

(emphasis added)

Cundiff discloses “an implementation for ‘management beans’ or MBeans in a multiple Java Virtual Machine (JVM) server is disclosed. By *providing a single MBean interface so that a client or an element external to the server executes a single request and/or receives a single notification, no matter how many servant JVMs exist, to the*

external element, the multiple JVM system appears to act like a single JVM system. These new techniques for providing management across several JVM servers depend upon *one server being designated as a control JVM and the remaining JVM servers being designated as servant JVMs*, under the control of the control JVM.” (Abstract)

Referring now to a section referred to by the Examiner, Cundiff discloses “[s]ince the Servant Processes are homogeneously configured, *different instances of the same managed component will activate the same logical MBean in each Servant Process*. A dynamic proxying mechanism or arrangement is utilized in the Control Process 170 to dynamically construct and register a proxy that corresponds to the logical MBean being registered. Servant invocation, which follows the MBean invocations, will start with the MBean's proxy.” (paragraph 0038; emphasis added).

In contrast, claim 15, as amended, in pertinent part, recites “a monitor service in communication with the administration service, the monitor service to generate monitor MBeans corresponding to selected runtime MBeans, wherein each of the monitor MBeans corresponds to at least one of the runtime MBeans, wherein each of the MBean having a resource identifier to identify its corresponding runtime MBean and an associated resource being monitored by the runtime MBean, the monitor MBeans arranged in a hierarchical tree structure, each of the monitor MBeans to receive the monitoring data from its corresponding runtime MBean” (emphasis added).

Cundiff’s discloses *providing a single MBean interface so that a client or an element external to the server executes a single request and/or receives a single notification, no matter how many servant JVMs exist, which is not the same as the monitor MBeans arranged in a hierarchical tree structure*. Having a single MBean interface and *different instances of the same managed component will activate the same logical MBean in each Servant Process* as disclosed by Cundiff is inherently different

from having MBeans arranged in a hierarchical tree structure as recited by claim 15.

Furthermore, Cundiff does not teach or reasonably suggest each of the monitor MBeans corresponds to at least one of the runtime MBeans, wherein each of the MBean having a resource identifier to identify its corresponding runtime MBean and an associated resource being monitored by the runtime MBean as recited by claim 15.

Claim 15 further recites “an administration service to generate a plurality of runtime management beans ("MBeans") on each of the server nodes and to associate each of the runtime MBeans with specified server node resources, each of the runtime MBeans collecting and reporting monitoring data for its associated resource of resources via an MBean server” (emphasis added). As mentioned above, Cundiff’s discloses *providing a single MBean interface so that a client or an element external to the server executes a single request and/or receives a single notification, no matter how many servant JVMs exist* which is not the same as runtime management beans ("MBeans") on each of the server nodes and to associate each of the runtime MBeans with specified server node resources, each of the runtime MBeans collecting and reporting monitoring data for its associated resource of resources via an MBean server as recited by claim 15. For example, having *a single MBean interface and the server to execute a single request* of Cundiff is not the same as having multiple runtime MBeans on each of the server nodes and to associated each of the runtime MBeans with specified server node resources . . . and reporting monitoring data of its associated resource of resources via an MBean server of claim 15. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 15 and its dependent claims.

#### New Claims

Independent claims 30 and 36 contain limitations similar to those of claim 15.

Accordingly, claims 30 and 36 and their dependent claims are distinguished over the cited reference.

### **35 U.S.C. § 103 Rejection**

Claims 4 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cundiff, JR., et al., U.S. Patent Publication No. 2004/0230973 (“Cundiff”) in view of Ismael, et al., U.S. Patent No. 6,061,721 (“Ismael”).

Claims 5 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cundiff, JR., et al., U.S. Patent Publication No. 2004/0230973 (“Cundiff”) in view of Jung, et al., U.S. Patent No. 6,308,208 (“Jung”).

Claims 11-13 and 25-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cundiff, JR., et al., U.S. Patent Publication No. 2004/0230973 (“Cundiff”) in view of Tsun, et al., U.S. Patent No. 7,093,251 (“Tsun”).

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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